## REMARKS

Claims 8, 15 and 19-24 have been canceled. New Claims 25-28 have been added. Support for newly added Claims 25-28 can be found at least on page 18, line 16 – page 19, line 15 and page 31, line 1 – page 42, line 20. Thus, Claims 1-7, 9-11, 13, 14, 16-18 and 25-28 remain pending in this application. Claims 1, 2, 9, 10, 13, 16 and 18 have been amended. Claims 2, 9, 10, 16 and 18 have been amended merely to provide proper claim dependency and/or antecedent basis.

## I. REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-3, 6-8, 10, 11 and 13-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Schneider*, et al. (U.S. Patent Application Publication Number 2006/0114889A1) in view of *Hughes,* et al. (U.S. Patent No. 6,434,612B1). Claims 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Schneider* and *Hughes* in view of *Lau* et al., (U.S. Patent No. 7,079,485B1). Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Schneider* and *Hughes* in view of *Matthews*. Applicant respectfully traverses these rejections for the exemplary reasons provided below.

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP § 2142.

Claim 1, states:

> "*A physical packet services node within a telecommunications network, comprising:*
>
> *a first logical communications node operated by a first service provider as an independent packet services node of the service provider that can process multiple, concurrent service requests for customers of said first service provider;*
>
> *a second logical communications node operated by a second service provider as an independent packet services node of the second service provider that can process multiple, concurrent service requests for customers of said second service provider; and*
>
> *common resources, respective portions of said common resources being dedicated to said first and second logical communications nodes, each of said respective portions being dynamically configured in respective customized manners by said first and second service providers*" (emphasis added).

Applicant submits that these features are not taught or suggested by the combination of *Schneider* and *Hughes*.

In the Advisory Action, the Examiner stated that "*Schneider* shows setting up a portion of Network Capability 60 for setting up of a call [and] *Schneider* shows that his device is capable of handling service requests." However, as previously argued by Applicant, *Schneider* merely describes a service control (58) that provides policy and/or logic to a switch or router (42, 44 and 46) to enable that switch or router to provide a particular service to a particular customer for a specific call (paragraphs 8, 9, 22-24, 41, 42 and 59-62). This policy and/or logic is simply a software program that is run on the switch for that particular call (paragraph 23).

To more clearly point out the differences between Applicant's invention and *Schneider*, as suggested by the Examiner, Applicant has amended Claim 1 to now recite that first and

second logical communications nodes are operated as independent packet service nodes of different service providers, meaning that each logical communications node can process multiple, concurrent service requests for customers of their respective service provider. Thus, as should now be clear, one difference between *Schneider* and the presently claimed invention is that in *Schneider*, the resources are reserved in the switches or routers for a single/specific call, whereas in the presently claimed invention, resources are allocated to a particular service provider for their use in servicing their customers (e.g., all calls of their customers).

In addition, there is nothing in *Schneider* that teaches or suggests that the service control (58) or customer is then further able to dynamically customize a portion of the router or switch. Running a software program on a router or switch for a particular call does not teach or suggest any mechanism for a service provider to customize a portion of a router or switch that is dedicated to that particular service provider. In sum, in *Schneider*, the routers and switches do not contain logical communications nodes that are operated by separate service providers. They merely allocate their resources for a particular call between end users and run software programs downloaded to them for the particular call.

Likewise, *Hughes* also does not teach or suggest any mechanism for enabling a service provider to dynamically configure in a customized manner a portion of a physical packet services node that is operated by that service provider. In *Hughes*, multiple independent controllers are allowed to simultaneously control a network switch by partitioning the switch resources between the controllers (col. 3, lines 27-30). However, *Hughes* does not provide the controllers with the ability to dynamically configure the switch partition that is allocated to them.

Therefore, Applicant respectfully submits that neither *Schneider* nor *Hughes*, alone or in combination, teach or suggest all of the features of Claim 1. Applicant submits that independent Claim 13 contains similar claimed elements, and as such, submits the above-stated arguments are also applicable to independent Claim 13. Claims 2-7, 9-11, 14 and 16-18 are dependent claims that include the same exemplary features described above with respect to Claims 1 and 13. *Lau*

and *Matthews* fail to remedy the above-described deficiencies of *Schneider* and *Hughes* with respect to Claims 1 and 13. Accordingly, the § 103 rejections of Claims 2-7, 9-11, 14 and 16-18 are overcome for at least the same exemplary reasons given above with respect to the rejections of Claims 1 and 13.

As demonstrated above, the § 103 rejections of Claims 1-7, 9-11, 13, 14 and 16-18 are overcome, and withdrawal of those rejections is respectfully requested. Therefore, Applicant submits that Claims 1-7, 9-11, 13, 14 and 16-18 are in condition for allowance.

## CONCLUSION

For the above reasons, the foregoing amendment places the Application in condition for allowance. Therefore, it is respectfully requested that the rejection of the claims be withdrawn and full allowance granted. Should the Examiner have any further comments or suggestions, please contact the undersigned at the number indicated below.

Respectfully submitted,

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